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MICROSTRATEGY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BUSINESS OBJECTS, S.A.,
Plaintiff and Counterdefendant,
vs.
MICROSTRATEGY, INC.,
Defendant and Counterclaimant.

Case No. C01-03908 CRB

**SUPPLEMENTAL DECLARATION OF
MATTHEW E. HOCKER TO
AUTHENTICATE TWO ITEMS OF
DEPOSITION TESTIMONY
PRESENTED TO THE COURT DURING
THE CLAIM CONSTRUCTION
HEARING**

**Date: April 8, 2003
Time: 2:30 p.m.
Dept: 8
Judge: Hon. Charles R. Breyer**

1 I, Matthew E. Hocker, declare as follows:

2 1. I am an associate with the law firm of Howrey Simon Arnold & White, LLP counsel for
3 Defendant and Counterclaimant MicroStrategy, Inc. in this action. I submit this declaration merely to
4 authenticate deposition testimony that was presented to the Court during the claim construction hearing
5 held on April 8, 2003. Except where otherwise indicated, I make the statements herein based on my
6 personal knowledge, and I am competent to testify thereto.

7 2. I previously submitted a declaration on December 4, 2002 to introduce exhibits in
8 connection with the briefing on claim construction issues. Attached to that declaration were Exhibits
9 A through DD. This declaration is submitted to authenticate two additional excerpts of deposition
10 testimony that were presented at the oral argument on claim construction issues on behalf of Defendant
11 and Counterclaimant, MicroStrategy.

12 3. On April 8, 2003, I attended the claim construction hearing before this Court. At the
13 outset of that hearing, the Court presented the parties with two questions. A true and correct copy of
14 the Court's questions is annexed hereto as Exhibit EE. The first question related, among other things,
15 to the meaning of the term "returned value" in claim 1 of U.S. Patent No. 5,555,403.

16 4. During the subsequent oral argument, defendant and counterclaimant MicroStrategy
17 presented to the Court testimony from Bernard Liautaud, one of the inventors on the '403 patent and
18 plaintiff and counterdefendant Business Objects' Chief Executive Officer. This testimony was from the
19 deposition of Mr. Liautaud taken on February 21, 2001 in the case *Business Objects v. Cognos, Inc., et*
20 *al., No. C00-1816 CRB*. The testimony was presented in response to the Court's questions and in
21 response to an argument that Business Objects first made in its reply brief, and is found on pages 80-81
22 of the transcript. A true and correct copy of pages 80-81 of the transcript of Mr. Liautaud's deposition
23 is attached hereto as Exhibit FF.

24 5. Also during oral argument at the claim construction hearing, defendant and
25 counterclaimant MicroStrategy presented to the Court deposition testimony from Business Objects'
26 expert, Dr. Walter G. Rudd. Dr. Rudd was identified by Business Objects as its expert witness retained
27 in connection with claim construction issues. This testimony was from the deposition of Dr. Rudd
28 taken by MicroStrategy on November 12, 2002 in the matter pending before this Court. The testimony

1 was presented in response to the Court's first question and is found on page 69 of the transcript. A true
2 and correct copy of pages 68-70 of the transcript of Dr. Rudd's deposition is attached hereto as
3 Exhibit GG.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct and that this declaration was executed at Menlo Park, California on
6 April 11, 2003.

7
8 /s/ Matthew E. Hocker
9 Matthew E. Hocker

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14 ATTESTATION OF E-FILING SIGNATURE

15 The undersigned hereby attests that Matthew E. Hocker has consented to the filing of this
16 document.
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19 /s/ James F. Valentine
20 James F. Valentine
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